

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

PAULINE MONTGOMERY,

Plaintiff,

v.

CDCR CORRECTIONS OFFICER, *et al.*,

Defendants.

Case No. 1:23-cv-00439-KES-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION, WITHOUT PREJUDICE, FOR
FAILURE TO OBEY COURT ORDERS AND
FAILURE TO PROSECUTE

Doc. 21

Plaintiff Pauline Montgomery is a state prisoner and former county jail inmate proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 24, 2023, the assigned magistrate judge issued an order striking the complaint as it lacked plaintiff's signature and directing plaintiff to file a signed complaint and to submit an application to proceed in forma pauperis or pay the required filing fee. Doc. 3. Given plaintiff's changes of address, the assigned magistrate judge granted plaintiff multiple extensions of time to comply with the order and thereafter issued several findings and recommendations to dismiss the action when plaintiff failed to comply with the court's orders within the extended deadlines. *See* Docs. 10-16, 19. On February 8, 2024, the assigned magistrate judge granted plaintiff a final opportunity to file a signed complaint and application to proceed in forma pauperis or pay the filing fee in this action. Doc. 19. Plaintiff again failed to do so. *See* Docket. On March 26,

1 2024, the magistrate judge issued findings and recommendations recommending dismissal of this
2 action, without prejudice, for failure to obey court orders and failure to prosecute this action.
3 Doc. 21. The findings and recommendations were served on plaintiff and contained notice that
4 any objections thereto were to be filed within fourteen days after service. *Id.* No objections have
5 been filed, and the deadline to do so has passed.

6 In accordance with the provisions of 28 U.S.C. § 636(b)(1), this court has conducted a de
7 novo review of the case. Having carefully reviewed the file, the court concludes that the
8 magistrate judge's findings and recommendations are supported by the record and by proper
9 analysis.

10 Accordingly, IT IS HEREBY ORDERED:

11 1. The findings and recommendations issued on March 26, 2024, Doc. 21, are adopted in
12 full;

13 2. This action is dismissed, without prejudice, for failure to obey court orders and failure
14 to prosecute; and

15 3. The Clerk of the Court is directed to close this case.

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18 IT IS SO ORDERED.

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Dated: July 10, 2024

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21 UNITED STATES DISTRICT JUDGE

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